

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Nov 22, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APRIL H.,¹

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:20-cv-03239-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g) AND CLOSING FILE**

ECF Nos. 17, 21

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 21, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James Tree represents Plaintiff. Attorney Leisa Wolf represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 6.

¹ To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The District Court Executive is directed to substitute Kilolo Kijakazi as
3 the Defendant and update the docket sheet.

4 2. The parties' Stipulated Motion for Remand, **ECF No. 21**, is **GRANTED**.

5 3. The above-captioned case be **REVERSED** and **REMANDED** to the
6 Commissioner of Social Security for further administrative proceeding pursuant to
7 sentence four of 42 U.S.C. § 405(g).

8 The parties have stipulated to the following:

9 On remand, the Appeals Council will instruct the ALJ to:

- 10 • Further develop the record, offer Plaintiff the opportunity for a
11 hearing, and issue a new decision;
- 12 • Obtain evidence from a medical expert;
- 13 • Reevaluate Plaintiff's cardiac impairment, including whether it meets
14 or medically equals the criteria of a listed impairment;
- 15 • Reevaluate the opinion evidence of record, considering its consistency
16 with the evidence of record, including nonmedical sources;
- 17 • Reevaluate Plaintiff's maximum residual functional capacity, if
18 warranted by the expanded record; and
19
20

- Obtain supplemental vocational expert evidence to clarify the effect of the assessed limitations on Plaintiff's ability to perform work in the national economy.

See ECF No. 21 at 2.

3. Judgment shall be entered for **PLAINTIFF**.

4. Plaintiff's Motion for Summary Judgment, **ECF No. 17**, is **STRICKEN AS MOOT**.

5. Upon proper presentation, this Court consider Plaintiff's application for fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

The District Court Executive is directed to enter this Order, **enter Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

DATED November 22, 2021.

s/Mary K. Dimke
MARY K. DIMKE
UNITED STATES MAGISTRATE JUDGE